

Application No.: 10/761,363

REMARKS

Claims 1 and 18 are independent and stand rejected under 35 U.S.C. § 103 as being unpatentable over Morimoto '059 ("Morimoto") in view of Ito '996 ("Ito"). This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, "a storage unit which stores hierarchically structured first *menu* information, the first menu information comprising a plurality of the operation menus respectively registered in a plurality of tiers of the first menu information; ... wherein the display control unit determines, based upon the operation capability of the user judged by the operation capability judgment unit, a timing to shift from a process of *displaying the operation menu using the first menu information to a process of displaying the operation menu using the second menu information*" (emphasis added).

The Examiner admits that Morimoto does not disclose the aforementioned feature of the present invention and relies on Ito as allegedly obviating this deficiency of Morimoto. Specifically, the Examiner alleges that Morimoto discloses a display control unit, but admits that the alleged display control unit of Morimoto does not determine the timing for switching between different displays. Indeed, Morimoto is merely cumulative to the conventional system in which an "input section 16 includes button type switches or touch switches *by which the operator* ... switches the display screen to obtain different information" (emphasis added; col. 8, lines 9-13). That is, Morimoto discloses only a manual switching between the displays.

The Examiner therefore alleges that col. 4, lines 22-25 and 45-61 of Ito discloses a display control unit which determines a timing to shift from a process of displaying the operation menu using the first menu information to a process of displaying the operation menu using the

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second menu information. It is respectfully submitted, however, that Ito does not obviate the aforementioned deficiencies of Morimoto.

As a preliminary matter, it is respectfully submitted that Ito is not even related to displaying operation menus. Rather, Ito is directed merely to *informational* displays which show, e.g., oil level, battery voltage, etc. (*see* col. 3, lines 5-23). That is, the display of Ito is not a user-interactive *operation menu*. Accordingly, switching between the informational displays of Ito does not correspond to switching between user-interactive operation menus and is unrelated to the present invention.

Nonetheless, even assuming *arguendo* a correspondence exists, it is respectfully submitted that the switching of Ito is at best cumulative to that of Morimoto. Specifically, Ito discloses a manual switch 39 where “[b]y depressing the mode switch 39, *the operator* can change the variable display 15 from the first display of information 16 to the second display of information 17 and vice versa” (emphasis added; col. 3, lines 35-39). That is, the operator, rather than the alleged display control unit of Ito, determines a timing to shift between displays by manually manipulating a switch (similar to switch 16 of Morimoto). In this regard, Ito is identical to Morimoto in terms of operator-actuated switching between displays.

Moreover, the warning display 18 described by Ito merely prohibits switching between the two informational displays 16 and 17, so that when a vehicle has an operating/navigating abnormality a warning message will be displayed while blocking manual switching (col. 4, lines 48-58). The warning display 18 merely refers to abnormalities with respect to, e.g., a fuel level, oil level, engine cooling fluid temperature, battery voltage, etc. (col. 3, lines 20-22), so as to be completely unrelated to first menu information comprising a plurality of operation menus respectively registered in a plurality of tiers of the first menu information (and similarly

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unrelated to second menu information having a limited number of tiers as compared with the first menu information). That is, the warning display 18 is NOT an operation menu from which the user can interact and select options therefrom. In this regard, claim 1 expressly recites a relative relationship between the respective menu information; namely, a *hierarchically structured* first *menu* information which comprises a plurality of the operation menus respectively registered in a plurality of tiers of the first menu information and second menu information having a limited number of tiers *as compared with the first menu information*. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). Ito is completely silent as to operation menus, let alone operation menus with the claimed structural arrangement and function. The warning display of Ito is merely an "indicator" for an abnormality with which the user has no interaction, and is independent of the informational displays 16-17 of Ito, whereby the display change to the warning message is completely unrelated to a switch between two interrelated operation menus as embodied in claim 1.

Accordingly, if the teachings of Ito are applied to Morimoto and assuming *arguendo* that informational displays of Ito can correspond to operation menus of Morimoto, the resulting device at best would still use manual switching between the user-interactive operation menus of Morimoto while further including a non-user-interactive warning message in response to abnormalities which precludes switching between the user-interactive operation menus.

Based on the foregoing, it is respectfully submitted that the proposed combination of Morimoto and Ito, even assuming *arguendo* proper, does not disclose or suggest "a storage unit which stores hierarchically structured first *menu* information, the first menu information comprising a plurality of the operation menus respectively registered in a plurality of tiers of the

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first menu information; ... wherein the display control unit determines, based upon the operation capability of the user judged by the operation capability judgment unit, a timing to shift from a process of *displaying the operation menu using the first menu information to a process of displaying the operation menu using the second menu information*" as embodied in claim 1. Claim 18 is submitted to be patentable over the cited prior art for reasons similar to those discussed above with respect to claim 1.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

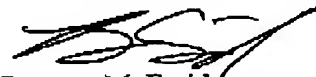
Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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